

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL J. COWICK,

Petitioner,

v.

Case No. 07-C-0197

PAM WALLACE,

Respondent.

**ORDER RE: PRODUCTION OF AUDIO TAPE INTRODUCED AT PROBATION
REVOCATION HEARING**

It seems that nothing is easy. Over the past year, the petitioner in the habeas corpus proceeding has filed numerous motions with the court seeking the production of various materials from his probation revocation proceedings. Among the items that he has sought to be produced is the audio recording of a witness' statement that was introduced during his probation revocation hearing. The petitioner's motions have triggered several court orders directing the respondent to produce various materials or explain why the requested materials were not produced.

Most recently, on April 22, 2008, the respondent filed a "Report to Court and Petitioner" regarding the production (or non-production) of various materials. Conspicuously absent in the "Report" was any mention of the witness statement audio recording that was introduced at the petitioner's probation revocation hearing.

This court is anxious to get to the merits of Cowick's petition for a writ of habeas corpus (as are no doubt the petitioner and the respondent). But, I am somewhat hamstrung by the respondent's failure to produce the audio recording. Now, perhaps the audio recording is no longer in existence and that is why it has not been produced. But, unless I am just overlooking something, the respondent has not advised this court that such is the case. And so, once again the respondent will

be ordered to produce the audio recording that was introduced during the petitioner's probation revocation hearing, or report to the court why it has not (or cannot) be produced.

NOW THEREFORE IT IS ORDERED that on or before May 23, 2008, the respondent shall file the witness statement audio recording that was introduced during the petitioner's probation revocation hearing or report to the court why such recording cannot be produced.

SO ORDERED this 5th day of May 2008, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge